## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

TIMOTHY LEWIS,	)	
Plaintiff,	)	
,	)	
v.	) Civil	No. <b>03-635 - WDS</b>
	)	
PAM GRUBMAN,	)	
DR. DOUGHTY,	)	
and WILLIAM REES,	)	
	)	
Defendants.	)	

## <u>ORDER</u>

## PROUD, Magistrate Judge:

Before the court is defendant Doughty's Motion to Set Aside Clerk's Entry of Default. (Doc. 69).

Fed. R. Civ. P. 55(c) permits the court to set aside an entry of default prior to judgment. Defendant must establish good cause for the default, quick action to correct the default, and a meritorious defense. *Breuer Electric Manufacturing Company v. Toronado Systems of America*, 687 F.2d 182, 185 (7<sup>th</sup> Cir. 1982).

The court finds that defendant has established good cause for his failure to appear, as set forth in the motion and attached affidavit. He has acted quickly to correct the default, and he has a meritorious defense. In addition, "No relief shall be granted to the plaintiff unless a reply has been filed." 42 U.S.C. § 1997(e)(g)(1).

Upon consideration and for good cause shown, defendant Doughty's Motion to Set Aside Clerk's Entry of Default (Doc. 69) is GRANTED.

The Clerk's entry of default (Doc. 66) is VACATED.

Defendant Doughty shall file his responsive pleading by May 31, 2007.

IT IS SO ORDERED.

**DATED:** May 15, 2007.

s/ Clifford J. Proud CLIFFORD J. PROUD U.S. MAGISTRATE JUDGE